

REMARKS

This application pertains to a novel pressure-sensitive adhesive composition having an outgassing level of not more than 50 µg/g, and to a process for producing it.

Claims 1-3 and 5-13 are pending.

Claims 1, 2 and 9-11 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Harder et al (DE 19807752, corresponding to US 6,432,529).

Harder '529 is concerned with low fogging numbers however. Fogging numbers are defined as the amount of volatile components that is condensed on a plate during the specified test procedure. Fogging numbers are clearly a semi-quantitative determination of the relative amounts of condensable volatiles present in the adhesive tapes being tested, and under the conditions of the test.

At no point, however, does Harder teach anything about the actual amount of volatiles present in the adhesive compositions themselves.

There is absolutely no basis for the Examiner's conclusion that Harder anticipates or renders Applicants' claims obvious, inasmuch as Harder does not teach or suggest anything about a residual volatile component fraction of less than 50 µg/g.

With respect to the burden of proof, it is respectfully submitted that Applicants have met that burden. Applicants have explained, and the specification discloses, that the adhesive compositions are devolatilized in an extruder, with the aid of an entrainer, to achieve the low level of volatiles. Harder, by contrast, does not use an entrainer. Therefore, Harder does not achieve the low levels of volatiles that Applicants do.

The fogging numbers reported by Harder do not provide any evidence that he achieves Applicants' low levels of volatiles, as nowhere does the reference relate fogging numbers to actual amounts of volatiles and, in addition, because fogging numbers relate to condensable volatiles only!

In addition, Applicants have explained that when crosslinking, UV-A radiation is used, as other forms of UV radiation tend to generate fragments that increase the volatiles content of the composition.

The Harder reference certainly does not teach or suggest this !

While it is true that the use of an entrainer and the use of UV-A radiation for cross-linking is not a part of claim 1, a product-by-process claim is not necessary to show the distinctions of the present claims over anything disclosed by Harder. Applicants' claims specify a residual volatile content of less than 50 µg/g, and the foregoing discussion shows why the Harder reference neither teaches nor suggests how to achieve this, or even that it is achievable at all. Harder does not address residual volatile content; only condensable volatiles.

The point is that nothing in Harder shows any special steps taken to achieve a residual volatile content of less than 50 µg/g, and therefore there is no basis upon which the Examiner can reasonably conclude that Harder achieves this.

Accordingly, Harder cannot be seen as anticipating or suggesting Applicants' claims, and the rejection of claims 1, 2 and 9-11 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Harder et al (DE 19807752, corresponding to US 6,432,529) should now be withdrawn.

Claim 3 stands rejected under 35 U.S.C. 103(a) as obvious over Harder DE 19807752 (=US 6,432,529) in view of Harder DE 4313008 (=US 6,613,870) and further in view of Meyer-Roscher et al. U.S. 6,242,504. The Examiner relies on Meyer-Roscher et al for a teaching of UV-A radiation. Meyer-Roscher et al is concerned with "controlled-dose exposure" to optimize PSA properties such as tack, peel resistance and sheer strength. Nothing in this reference teaches or suggests that UV-A radiation is less prone to form volatiles than other kinds of radiation (page 8, lines 29-31). Therefore, there is no reason why one would use Meyer-Roscher's UV-A radiation for the Harder '529 adhesive tapes. This is especially true in view of the fact that Harder '529 already uses four medium-pressure Hg lamps to vary the degree of crosslinking by way of UV dose (col. 6, lines 6-8).

Applicants' process therefore cannot be seen as obvious over any combination of Harder '529, Harder '870 and Meyer-Roscher et al. '504. The rejection of claim 3 under 35 U.S.C. 103(a) as obvious over Harder DE 19807752

(=US 6,432,529) in view of Harder DE 4313008 (=US 6,613,870) and further in view of Meyer-Roscher et al. U.S. 6,242,504 should accordingly now be withdrawn.

In view of the present remarks, it is believed that claims 1-3 and 5-13 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested, and the allowance thereof is courteously solicited.


CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account No. 14-1263.

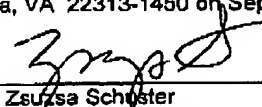
Respectfully submitted,
NORRIS, McLAUGHLIN & MARCUS, P.A.

By 
William C. Gerstenzang
Reg. No. 27,552

WCG/tmo

875 Third Avenue - 18th Floor
New York, New York 10022
(212) 808-0700

I hereby certify that this correspondence is being transmitted via facsimile, no. 571-273-8300 to the United States Patent and Trademark Office, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 8, 2005.

By 
Zeuzsa Schuster
Date September 8, 2005